

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: February 28, 2024
Hearing Time: 10:00 am

X

In re:

3175-77 Villa Avenue Housing Development Fund Corp.,

CH. 11

Debtor,

Case No. 19-12359-jlg

X

RESPONSE TO THE MOTION TO DISMISS OR CONVERT FILED BY THE UNITED STATES TRUSTEE

3175-77 Villa Avenue Housing Development Fund Corp. (the “Debtor”) by and through its attorney, Charles A. Higgs, Esq., submits the following in Opposition to the Motion to Dismiss filed by the United States Trustee:

1. As set forth in the Response of The City of New York to the US Trustee’s Motion to Dismiss or Convert, the Debtor and the City are negotiating an agreement (the “Agreement”), whereby the City would agree not to transfer title to the Villa Avenue Property and would agree to vacate the foreclosure judgment with the Debtor in turn agreeing to dismiss the adversary proceeding and agreeing to dismissal of the bankruptcy case. The Parties have an initial draft of the Agreement but the Agreement has not yet been finalized, it is anticipated that the Agreement will be finalized in the next week or two.
2. The Debtor agrees with the City of New York and submits that the U.S. Trustee’s Motion should be adjourned to allow the parties to finalize the Agreement.
3. The City is by far the largest creditor of the Debtor. The Parties have spent a significant amount of time and effort working on reaching an Agreement, the efforts of which have included a number of phone calls, emails, and meetings, and the production of a large volume of documents and information by the Debtor and review of same by the City. As a result of those efforts, the Parties finally have a tentative Agreement, with an initial draft,

that is in the process of being finalized and which it is anticipated will be finalized in the immediate future. A short adjournment of the Motion will allow the parties to finalize the Agreement and to file a Motion for Approval of the Agreement with the Bankruptcy Court¹.

4. The Debtor truly appreciates the thoughtfulness, courtesies, and patience that has been extended by Your Honor throughout this case, which has made it possible for the Parties to get to this point.
5. For the reasons set forth above, the Debtor requests that the Motion to Dismiss or Convert be adjourned to allow the Parties to finalize the Agreement.

Dated: February 21, 2024
Bedford Hills, NY

/S/ Charles A. Higgs
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¹ The U.S. Trustee has graciously consented to the Parties request for an adjournment of its Motion subject to Your Honor's Approval and the Parties will be reaching out to Chamber's for approval of the adjournment request.